



Planning and Development Acts 2000 to 2020

Planning Authority: Mayo County Council

Planning Register Reference Number: P20/180

APPEAL by Abaigéal Smyth of 114 Wesbury, Stillorgan, County Dublin against the decision made on the 6th day of July, 2020 by Mayo County Council to grant subject to conditions a permission to John Fitzgerald care of ORS Consulting Engineers of Marlinstown Office Park, Mullingar, County Westmeath for the proposed development.

Proposed Development: The extraction and processing of road construction materials for the proposed N5 Westport to Turlough Road and to replace the materials with inert fill from the aforementioned project (surplus inert soil and subsoil) on a 4.95 hectare site at Claggernagh East, Islandeady, Castlebar, County Mayo. This development also requires for a waste facility permit.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the overall water management and drainage system as proposed, based on the baseline information as presented by the applicant, is adequate and at a level of detail to draw satisfactory conclusions in relation to the proper and satisfactory management of the volume of groundwater and surface water to be generated, on a site with downstream hydraulic connectivity from the site to receiving surface waters that are 'at risk'. The proposed development would pose a risk of water pollution, with potential to result in receiving waterbodies not being able to achieve the relevant 'good' ecological status, as required under the provisions of the River Basin Management Plan 2018-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature and scale of the proposed development, including the maximum potential deposition waste of surplus inert soil and subsoil not exceeding 200,000 tonnes and to a maximum volume of 134,180 cubic metres, to the limited two to three year duration of the N5 Westport to Turlough Road project, which the development would solely serve, and to the thresholds set down in Class 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended, it is considered that the proposed development would be likely to have significant effects on the environment and should be subject to an Environmental Impact Assessment within the meaning of Part X of the Planning and Development Act 2000, as amended. The proposed development would, therefore, require an Environmental Impact Assessment Report, which should contain the information set out in Schedule 6 of the said Regulations. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.

3. On the basis of the information submitted with the planning application and the appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the River Moy Special Area of Conservation (Site Code: 002298), or any other European site, in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.